

**MINUTES  
of the  
FOURTH MEETING  
of the  
LAND GRANT COMMITTEE  
October 21-22, 2004  
Taos**

The fourth meeting of the land grant committee was called to order by Senator Bernadette M. Sanchez, chair, at 10:35 a.m. in the Taoseno room of the Taos convention center.

**PRESENT**

Sen. Bernadette M. Sanchez, chair  
Sen. Richard C. Martinez  
Rep. Debbie A. Rodella

**ABSENT**

Rep. Miguel P. Garcia, vice chair  
Sen. Rod Adair  
Rep. Don Tripp

**Advisory Members**

Rep. Ben Lujan

Sen. Joseph J. Carraro  
Rep. Bengie Regensberg  
Rep. Eric A. Youngberg

**Staff**

Jon Boller  
Sheila Manzagol

**Guests**

A copy of the guest list is in the meeting file.

**Thursday, October 21**

Senator Bernadette Sanchez welcomed the public to the meeting. Committee members introduced themselves, as did members of the public.

**DEPARTMENT OF TRANSPORTATION (DOT) ISSUES; SJM 11 REPORT**

Moises Gonzales, Mexicano Land Trust, and John Chavez, Truchas Land Grant, summarized land grant concerns with various DOT policies and practices. Mr. Gonzales said that the major concern of many land grants is the loss of common lands through condemnation by the DOT for such highways as I-40 through Carnuel and Cubero, I-25 through San Miguel del Vado and Tecolote and state highway 76 through Truchas. He noted that although these roads overall represent critical transportation corridors for all New Mexicans, the lack of long-range planning and development of transportation alternatives has resulted in continuing impacts on land grants. Examples include the cutting off of access to common lands due to drainage design and lack of

access drives, roads and overpasses and the sale to private landowners of previously condemned grant lands that were later found to be unnecessary for a given project. Mr. Gonzales said he hopes that with the passage of Senate Bill 142 and the consequent classification of many land grants as political subdivisions, the DOT and land grants will in the future be negotiating rights of way on a more equal footing.

Mr. Gonzales went on to ask the DOT to notify the Carnue Land Grant of any proposed sale of any land formerly part of the grant and to work closely with the grant on any proposed changes to the I-40 corridor that runs through the grant.

Mr. Chavez reported on the status of negotiations with the DOT over state highway 76, which runs through the Truchas Land Grant. He said that negotiations seemed to be going better since the passage of Senate Joint Memorial 11 last spring, but that there are still some unanswered questions about the realignment of "prisoners' curve" in 1976 and the amount per acre the DOT is offering for land it needs for realignment of the highway. Also, he expressed concern about the safety of the highway, noting that there had been four deaths on one stretch of the road. Finally, Mr. Chavez said that the DOT has offered the grant \$3,000 per acre for the land needed for a realignment of the highway, but that that amount is far too low considering that land in Chimayo sells for \$20,000 to \$40,000 per acre.

Bill Moyers, Chris Vigil and Angela Sandoval, all from the DOT, appeared before the committee to report on Senate Joint Memorial 11, planning for a wildlife corridor in Tijeras canyon and returning unused grant land when it is no longer needed for highway purposes.

Mr. Moyers reported that the DOT has met with representatives from the La Nuestra Senora del Rosario de San Fernando y Santiago Land Grant (aka the Truchas Land Grant) and has discussed several issues relating to state highway 76. He said that the DOT had paid approximately \$80.00 in 1953 for the 53 acres taken for the highway easement at that time, which may have reflected a reduced rate offered by the seller to encourage highway improvements in the area. At the request of the land grant, he said, the DOT committed to abandon any right of way rendered surplus by the realignment of the highway to encourage the contractor to purchase gravel and other road materials from the land grant and to obtain easements rather than property in fee simple from the land grant in the future. Committee members suggested that the DOT make these agreements in writing. Asked about a 1976 realignment of the highway, Mr. Moyers stated that he had not found any records on that project, but that he would do more research on it. Committee members asked if they could get an inventory of surplus property that was formerly grant land but that is currently held by the DOT. Mr. Moyers indicated that the DOT would review its records, but could not guarantee a complete answer by the next meeting of the committee. Committee members also asked Mr. Moyers to look into how condemnation procedures would change if a land grant is designated as a political subdivision of the state in accordance with the recent changes in land grant law.

Jan Ward, department of game and fish (DGF), said that the DGF is working with the Carnue Land Grant and the DOT on a plan for some type of wildlife crossing on interstate 40 between

the Carnuel and Tijeras exits. She said that a land bridge did not appear to be a likely option, but that a feasibility study should be done by January or February 2005. Part of any project would likely involve fencing to direct the wildlife flow. Mr. Gonzales expressed concern about how any proposed crossing would affect planned projects of the Carnue Land Grant. Committee members requested Ms. Ward to provide the committee with statistics on wildlife highway fatalities. Representative Debbie Rodella asked about the DGF public drawing.

## **LAND GRANT GENERAL STATUTES; LAND GRANT REGISTRY**

Hilary Tompkins, deputy chief counsel, office of the governor, Ed Roibal, executive director, New Mexico land title association, and Juan Sanchez, Chilili Land Grant, presented the committee with changes to provisions in Article 1, Chapter 49 NMSA 1978 to clarify language on board of trustee authority over common and private lands within a land grant. At its last meeting, the committee had asked the group to come with language amenable to all parties. The committee thanked the participants for their work and requested staff to draft a bill for the committee's final meeting in November.

Ernesto Ortega, office of the secretary of state, told the committee about the community land grant registry the secretary of state had established in September 2002 in accordance with a joint memorial request from the previous legislative session. He explained that the office had established criteria for registration and that so far, 13 community land grants have registered with the secretary of state. He stressed that the secretary of state is the official filing officer of the state, but that she cannot resolve disputes among or within land grants. He also noted that the office would be willing to expand its services if given authority to do so by the legislature.

## **SENATE JOINT MEMORIAL 10 REPORT; ATTORNEY GENERAL PRELIMINARY REPORT**

Sandra Jaramillo, state records administrator, presented the committee with a preliminary study of former land grant property that is now owned by various state agencies. She explained that she had hired former State Historian Robert Torrez to do the study in response to Senate Joint Memorial 10, which was passed during the 2004 legislative session. The study was limited to three agencies, the energy, minerals and natural resources department, the general services department and the DGF, primarily because of the enormity of the task and the limited amount of time within which to accomplish it. Expanding the study to other departments and actually doing a chain of title on the properties would require contracting for such services; this would require an appropriation from the legislature. Asked about how much this would cost, Ms. Jaramillo suggested a figure of \$80,000 to \$100,000.

David Benavides, New Mexico legal aid, said that his views on the GAO report that was released last June have changed very little, and that he is still working on the final report. He explained that he is on contract with the attorney general's office and that they would work together to do the final review and edit the report before its release. Asked when the attorney general would be scheduling sessions to inform community land grants about their rights and responsibilities as

political subdivisions of the state, Mr. Benavides replied that the attorney general is not planning any meetings on that topic, but that the land grants could request such sessions in a formal letter to the attorney general. Finally, the committee asked Mr. Benavides to look into the condemnation issue as it relates to land grants as political subdivisions.

## **TAOS LAND GRANT; AREA LAND GRANTS**

Frank Trujillo, Taos Land Grant, gave a brief history of the grant, noting that it was established in 1796 with over 100,000 acres and water from three rivers. He presented the committee with a book on the history of the grant and then introduced Miguel Angel, from New Mexico highlands university, who described a proposal to promote the export of organic farm produce from New Mexico to Cuba. He said that nearly \$800 million worth of exports flowed to Cuba last year, and that New Mexico needs to join that market. He said that the United States should normalize relations with Cuba. He also informed the committee of a scholarship program to a medical school in Cuba for students who promise to return to the state and practice in underserved areas. Currently, he said, four students from New Mexico are in this program. Mr. Trujillo added that he is trying to organize land grants to establish coops to promote organic crops that could be exported to Cuba, noting that 35 states are already doing business there in some form. They said that 176 countries have trade relations with Cuba, and that only two, the United States and Israel, continue to support a blockade against that country.

Bert Lucero and Filemon Sanchez, Las Trampas Land Grant, gave a history of the Las Trampas Land Grant, describing how the Santa Fe Ring had basically gotten hold of most of the grant nearly 100 years ago. However, Mr. Lucero said, grant members still claim that nearly 7,000 acres remain within the grant, and that they are attempting to organize as a municipality. He expressed concern that many organizations and agencies have not yet accepted the land grant as a political subdivision. He also said that the grant is facing many problems, including the extent of forest thinning going on in the grant's watershed. He urged the state to revisit its adverse possession and partition laws and to put a moratorium on further land sales within the grant until title problems have been resolved. Finally, he said that land lost to tax sales should be returned to the grant. Committee members suggested talking to Bill Fulginiti about municipal incorporation.

Joe Romero and Filoberto Romero, La Serna Land Grant, asked that the state halt all quiet title suits in their land grant until the government could resurvey the grant, since the 1941 survey was not done correctly and the grant is in danger of losing even more of its land. They said that a private company had already quieted title to 5,000 acres of grant lands recently. Alan Vigil, from the Taos county planning department, said he would be glad to be a resource in helping La Serna establish title to its lands.

Alberto Baros updated the committee on his efforts to have the Embudo battle site declared an historic site. He said he is trying to get three counties to sponsor a memorial on the Taos rebellion. The committee recessed at 4:30 p.m.

**Friday, October 22**

The committee met at 9:00 a.m. at the Taos civic center and from there took a tour of the Taos Land Grant and surrounding area. The committee adjourned at noon.